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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,225	03/12/2007	Jan Schultink	40149/01401	6936
30636 7590 10/21/2008 FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038				
EXAMINER				
PHAM, MINH CHAU THI				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,225

Applicant(s)

SCHULTINK, JAN

Examiner

MINH-CHAU T. PHAM

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/86)
Paper No(s)/Mail Date 9/15/08 & 12/5/07 & 3/12/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Fesco (3,738,091).

Fesco teaches a filter bag (20) for a vacuum cleaner comprising a substantially tubular bag having a closed free end (28) and at least partially closed area opposite the closed free end area (28) (see Figs. 1-4, col. 3, lines 1-9), and a retaining plate (30) wherein edges of the bag (20) are at least partially interconnected (26) by a weld seam to form the at least partially closed area (see Figs. 1, 5 & 8, col. 3, lines 1-18, lines 9-18, lines 23-36, lines 46-51 and line 60 through col. 4, line 18). Fesco further teaches the seam in the bottom of bag extends over an entire width of the bottom (28, see Fig. 3). Fesco also teaches the filter bag having pre-creases being introduced into the bag material with seam in the bottom (68 in Fig. 6) and up to the closed free end area (see 74, 76, 80 in Fig. 6). Fesco also teaches the retaining plate (30) having a through hole (see Figs. 1 & 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fesco (3,738,091), in view of Hall et al (6,009,925).

Fesco discloses a method of manufacturing a filter bag (20) for a vacuum cleaner comprising the steps of providing a substantially tubular bag having a closed free end (28) and at least partially closed area opposite the closed free end area (28) (see Figs. 1-4, col. 3, lines 1-9), and a retaining plate (30) wherein edges of the bag (20) are at least partially interconnected (26) by a weld seam to form the at least partially closed area (see Figs. 1, 5 & 8, col. 3, lines 1-18, lines 9-18, lines 23-36, lines 46-51 and line 60 through col. 4, line 18). Fesco further discloses the step of connecting plies in the bottom as a result of folding the seam in the bottom of bag extending over an entire width of the bottom (28, see Fig. 3). Fesco also discloses the filter bag having pre-creases being introduced into the bag material with seam in the bottom (68 in Fig. 6) and up to the closed free end area (see 74, 76, 80 in Fig. 6). Fesco also discloses the retaining plate (30) having a through hole (see Figs. 1 & 5). Claims 20-29 differ from the disclosure of Fesco in that the method comprises the step of introducing a die to an open side of the bag so that the bottom of bag is closed. Hall et al disclose a method of joining thin sheets of thermoplastic materials along welded seams formed at their edges or the seam (see col. 1, lines 5-10 and lines 16-17, col. 2, lines 38-60) via a welding die (28) (see col. 5, lines 8-20, col. 10, lines 28-47). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to adopt the step of introducing a die to facilitate welding of the filter bag of Fesco since it is well

known in the art that the method of joining the two edges along a welded seam provides excellent seam integrity.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH-CHAU T. PHAM whose telephone number is (571)272-1163. The examiner can normally be reached on Mon/Tues/Thur/Fri 7:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Minh-Chau T. Pham/
Examiner, Art Unit 1797
October 16, 2008

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